

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AKO BURRELL,

Plaintiff

VS

Tia Van Winkler

N. Perdek

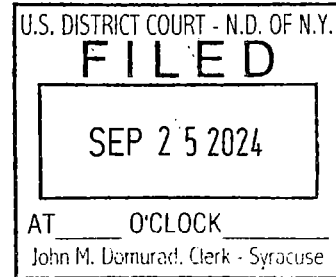
LaPorte

D. Traglia

D. Bektic

Bank
State of New York DOCS
Defendant(s)

In their individual & dual
capacities



1.) This is an action for damages sustained by a citizen of the United States against Parole Officers of the NYS DOCS, who unlawfully detained, assaulted, harassed, imprisoned, & oppressed with retaliation against the Bureau Chief as the Supervisory Officer responsible for the conduct of the defendant(s) & for his failure to take corrective action with respect to police personnel whose vicious propensities were notorious, to assure proper training & supervision of the personnel, or to implement meaningful procedures to discourage lawless official conduct, & against the NYS DOCS as the employer of the Parole Personnel, which is sued as a person under 42 U.S.C. 1983.

(1)

JURISDICTION

2.) This action is brought Pursuant to 42 U.S.C. 1983 & 1988 and the First, Fourth, Fifth, Eighth, & Fourteenth Amendments to the Constitution of the United States.

3.) The Jurisdiction of this Court is Predicated on 28 U.S.C. 1343(3) & (4) & 1331.

Parties

4.) Plaintiff AKO Burrell is a resident of _____ and at all times relevant to the allegations of this Complaint was a resident of Oneida County & a Citizen of the United States.

5.) At all times relevant hereto, defendant Tia Van Winkler was a Parole officer employed by the NYS DOCS to perform duties in the City of Utica & was assigned to Utica Area.

6.) At all relevant times, he was acting in such capacity as the agent, servant, & employee of defendant She is sued individually & in her official Capacity.

7.) At all times relevant N. Perdek was a Senior Parole officer employed by the NYS DOCS to perform duties in the City of Utica. At all times relevant he was acting in such capacity as the agent, servant, & employee of defendant he is sued individually & in his official Capacity.

8.) At all times relevant D. Traglia was a Parole officer employed by the NYS DOCS to perform duties in the City of Utica. At all times relevant he was acting in such capacity as the agent, servant, & employee of defendant he is sued individually & in his official Capacity.

9.)

At all times relevant hereto, Defendant LaPorte was the duly appointed Bureau Chief of the Parole Unit area. As such he was the Commanding Officer of Defendant(s) Van Winkler, Pezdek, D. Traglia, & D. Bektic, and was responsible for their training, supervision, & conduct. He was also responsible by law for enforcing the regulations of the Title 9 of New York Codes Rules, & Regulations & for ensuring that Parole Personnel obey the laws of the State of New York & of the United States. At all times relevant he was acting in such capacity as the agent, servant, & employee of the defendant New York State. He is sued individually & in his official capacity.

10.) The defendant NYS DOCS is a municipal corporation within the state of New York, and at all relevant times, it employed defendants Van Winkler, Pezdek, LaPorte, D. Traglia, D. Bektic, & Bonk.

11.) At all times relevant hereto and in all their actions described herein Defendants Van Winkler, Pezdek, LaPorte, D. Traglia, & Bektic were acting under color of law & pursuant to their authority as Parole Personnel.

12.) At all times relevant hereto D. Bektic was a Parole officer employed by the NYS DOCS to perform duties in the city of Utica. At all times relevant he was acting in such capacity as the agent, servant, & employee of defendant he is sued individually & in his official capacity

13.) At all times relevant Bonk was a Correction Officer employed by NYS DOCS to perform duties in the Wende Corr. Fac. At all times relevant he was acting in such capacity as the agent, servant, & employee of defendant he is sued individually & in his official capacity.

FACT (B)

14.)

On or about June 21, 2024, while enroute to Utica, NY from Wende Corr. Fac, Tamar Knight received a phone call informing him to place Plaintiff on the phone, Plaintiff was informed to report to Parole by 2:00pm.

15.)

Plaintiff arrived at Parole, and was informed by Van Winkler, he would have to live at 207 Nigter at the shelter, because his mother Patricia Campbell did not want him living there due to medical complications.

16.)

Furthermore Plaintiff will have to wear a GPS monitor due to threats he made while incarcerated to harm C.O.'s, Parole officers, their families. This is due to a report written by Defendant Bonk.

17.) Defendant Van Winkler then informed Plaintiff he can leave. That evening Van Winkler came to 1541 Oneida Street, the residence of Patricia Campbell.

18.)

Van Winkler, came there with eleven (11) other Parole officers who broke the ring alarm camera system. Van Winkler covered the doorbell with her finger & refused to identify herself.

19.)

Once inside the residence she & her co-workers made a attempt to search the entire perimeter of the home, & began destroying property.

- 20.) On or about June 26, 2024, Plaintiff was informed the GPS was not operable, & needed to be alternated. At this time Defendant(s) Pezdek, Pelligrino, & Carfante entered Van Winkler Office. They informed Plaintiff that the NYS Attorney General Office informed them of outstanding lawsuits pending against multiple DOCUS staff.
- 21.) Pezdek, Pelligrino, & Van Winkler made mention of several suits specifically filed against Oneida County Sheriff Maciel, who they said was family. And Berhardt & Lacoppla in midstate. They said in the event the cases against Berhardt & Lacoppla get dismissed then the bracelet will be removed.
- 22.) Plaintiff asked Van Winkler "I thought you said this was over some threats". Van Winkler, informed me that I had several claims against Wense Officials White, Bean, & Fox. She said Defendant Bork wrote a report of threats she is using that on grounds to implement the GPS, but again IF I withdraw the cases against them I'll have the GPS removed.
- 23.) Plaintiff refused, Pelligrino then applied the bracelet so tight I could hardly walk, I asked for it to be ~~too~~ loosen they refused & said its Protocol.

24.)

Van Winkler, Perdek, & LaPorte informed Plaintiff to report to the office. Plaintiff was informed by his attorney Alicia Loomis that a counter-suit was potential by Det. Sant Gerhardt.

25.)

Plaintiff was contacted by a client who was incarcerated at Midstate Corr. Fac. Elijah Brown who was in dire need of legal representation on his Tier III hearing. Brown made the deposit, Plaintiff contacted Midstate & Defendant Gerhardt who Plaintiff is suing in a separate complaint. Answered & Plaintiff provided his reasons for calling.

26.)

Defendants, Van Winkler, Perdek, & LaPorte, had Plaintiff enter the Parole office, and accompany Cassandra Cockwood owner of Phoenix Radio 95.5 & For The Good Non-Profit. These Defendants were adamant Plaintiff was not legally a Paralegal & could not represent Mr. Brown.

27.)

~~Plaintiff~~ Mrs. Cockwood explained that Plaintiff was a Paralegal, & could legal represent these parties. LaPorte became irate, & calmed, & stated "well, here the ultimatum Mr. Brown give me 30 days of charging your GPS & drop those grievances on me, Van Winkler, Perdek, that PRCA complaint on Van Winkler, & those (2) law suits in Midstate, & you'll be off the GPS in 30 days & off Parole in 2 years how's that for a deal?"

28.)

Plaintiff refused & exited the Parole office he was given a new charger, ~~GPS~~ & GPS monitor, upon arrival to the 95.5 office, both were defective.

(6.)

29.)

On or about August 06, 2024, Plaintiff informed Van Winkler that he was switching his address to 807 Hamilton with Shauniece Turner. She stated "your not with King no more!" Plaintiff stated "no." She grabbed Plaintiff face & gave him a kiss on the mouth. Plaintiff Jokes back in surprise.

30.)

Van Winkler stated "you deal with all the wrong women, you never even look me in the eye, I'm the girl you need. I picked your file." Plaintiff was sitting in his chair & then his penis was fondled squeezed tight. He pushed Van Winkler off his lap & she stated "Now your getting violated, your going to regret that!"

31.)

Plaintiff was informed that he was receiving a violation for a APS failure to charge. Plaintiff states "you keep giving detective charges?" Van Winkler looked at Perdek & stated "It's apart of the plan. you'll be back in Jail soon!"

32.)

Plaintiff said to Van Winkler "Is this over that other shit from earlier?" She stated you know it is enroll into the shelter & you'll be free, but I don't want you with other women your mom's house is free."

33.)

Plaintiff ignored these demands & proceeded out the Parole office. Plaintiff informed LaPorte that he has filed several grievances & needs the Director for APS monitoring to refute allegations. LaPorte informed him Perdek & Van Winkler has that grievance & no we wait. Provide the Director now leave or be arrested for trespassing.
(M)

34.) On September 03, 2024, Plaintiff reported to Parole & informed Defendant Van Winkler he had a job interview at Briggs & Stratton & could not be late. 10:30am. She ordered Plaintiff to remain in the waiting room Pass 10:30, & Defendant D. Traglia & B. Bette brought Plaintiff into the back holding room placed him in handcuffs & shackles.

35.) Van Winkler & LaPorte stripped searched Plaintiff, & finally Penetrated him in a quest for Contraband. Stating "You might've come with drugs to take in jail with you". Once no drugs were recovered D. Traglia broke the GPS charger, & allowed Plaintiff to leave the Parole building. On 09/04/24, Van Winkler told Plaintiff to report to Parole to replace the broke Charger. Plaintiff informed Van Winkler he was in NYC for a job with Amy Jane Agnew, & NYC Parks & Recreation. Plaintiff informed his mother to go to Parole in Utica meet with Van Winkler & alternate the chargers. She failed to do so.

36.) Plaintiff then made an attempt to take the Bus to Utica, but missed it by 10 minutes, & reported to Manhattan (3) to receive a new Charger. The SPO contacted SPO Pezdek & informed Plaintiff Pezdek did not know who he was or what he was referring to. Plaintiff exit the area.

37.) On or about September 06, 2024, Plaintiff was hit by a vehicle going to Penn Station. He was brought to Harlem Hospital where he was told the wait would be hours. He refused to wait. Plaintiff lost his cell phone.

38.) Plaintiff then took another bus from NYC to Utica. Upon arrival, Plaintiff went right to Wynn Hospital. Plaintiff remained in the Wynn for (1) day & 1/2 where he was found to have a Pinch nerve, rib contusion, & knee contusion & given crutches.

39.) Plaintiff informed his mother to report to Van Winkler his conditions, his return to the area, the misplacement of his phone, & his need of a GPS charger. His mother never did.

40.) Cyteria King Plaintiff's girl friend (fiance) is a LPN & she ordered Plaintiff to her home while being treated, Van Winkler, & a parole task force entered Mrs. King's home & escorted Plaintiff to a Court.

41.) Van Winkler informed Plaintiff he had a Absconding Warrant, Plaintiff was shocked. Plaintiff was brought to DCJ where he drafted the Complaint & finalized it. Plaintiff attended a Not hearing where Van Winkler insisted Plaintiff remain in custody, due to being 30 minutes late to a Preliminary hearing for her retaliation violation 08/06/2024.

42.)

~~42.)~~ The allegations set forth in Paragraphs 1 - 38 are incorporated herein by reference.

~~43.)~~ The herein above described actions & omissions, engaged in under color of state authority by the defendants, including defendant Mysidocs, sued as a Person, responsible because of its authorization, condonation, & ratification thereof for the acts of its agents, deprived the Plaintiff of rights secured to him by the Constitution of the United States including, but not limited to, his 1st Amendment right to Freedom of expression; redress government, his 4th Amendment right to be free from unlawful seizure of his Person, his 5th & 14th Amendment rights to due process of law, including the right to be free from unjustified & excessive force utilized by Parde, & his 8th Amendment right to be free from cruel & unusual punishment.

Exhaustion of Remedies

~~44.)~~ 44.) Plaintiff exhausted his remedies in all respect in this action

45.) Federal Cause(s) of Action

~~46.)~~ The following is the claims giving ground to the Complaint. Plaintiff provides the grave Constitutional injuries he has incurred due to the defendants actions, failure & negligence.

46.) Van Winkler, Pezdek, & LaPorte Providing Plaintiff with defective GPS monitors & chargers to deliberate indifferent him from charging & causing a violation was a conspiracy to violate his post release & file a #30 charge violation against Plaintiff resulting in incarceration from 09-11-2024 until violated Plaintiff 1st, 8th, & 14th Amendment right(s) Pursuant to the U.S. Constitution.

47.)

D. Traglia, Van Winkler, LaPorte, Pelligrino & D. Bektic Sexually assaulting me, placing me in shackles, detaining Plaintiff strip searching him, & anally penetrating him for 2 hours, forcing him to miss his job interview at Briggs & Straton, destroying his GPS monitor, & causing physical injuries violated Plaintiff 1st, 4th, 8th, & 14th Amendment right(s) Pursuant to the U.S. Constitution

48.)

48.) Van Winkler sexually assaulting Plaintiff, sexually harassing Plaintiff, & retaliating against Plaintiff with violations for being in relationships with Shauniece Turner & Cyteria King. Violated Plaintiff 1st, 4th, 8th, & 14th Amendments to the U.S. Constitution.

49.) Van Winkler placing a GPS monitor on Plaintiff for filing lawsuits against Oneida County; & numerous DOCs Correctional Officers SPO Pezdek, placing Plaintiff on a GPS in retaliation for filing grievances & lawsuits against DOCs. Violated Plaintiff 1st; 8th; & 14th Amendment Right(s) Pursuant to the U.S. Constitution.

50.) Bureau Chief LaPorte placing Plaintiff on a GPS monitor, denying Plaintiff the right to litigate at Tier III hearing(s), Provide legal assistance to incarcerated individuals; & conduct legal visits as a Paralegal to Correctional facilities. In retaliation of filing grievances, PREA; & lawsuits against Oneida County Correctional Facility. Violated Plaintiff 1st; 5th; 8th; & 14th Amendment Right(s) to the U.S. Constitution.

51.) Van Winkler, Pezdek, & LaPorte, refusal to provide the GPS Directive, to Protest & file an articulate grievance citing the NYS DOCs Policy on there being no legal grounds for a GPS. Violated Plaintiff right to redress the Government. They provided all other documents except that one which deliberately intimidated me from litigating. Violating my 1st; 4th; 5th; 8th; & 14th Amendments Rights Pursuant to the U.S. Constitution.

52.) Van Winkler placing a GPS monitor on Plaintiff with Pelligrino assistance so tight it caused no blood circulation, laceration, bruising, & swelling after Plaintiff informing them of the injury, & them stating "drop those lawsuits nigger." Violated Plaintiff 1st; 8th; & 14th Amendment Right(s).

As a result of the misconduct hereinbefore described, Plaintiff Ako Burnell experienced humiliation, emotional distress, pain & suffering, incurred expenses, including legal fees, in connection with his defense on the charge(s) which were lodged against him, and was otherwise damaged. He also was physically injured as a result of the conduct alleged in Paragraph(s) ~~42~~ 43.

54.)

On information & belief, the abuse to which Plaintiff was subjected was consistent with an institutionalized practice of the NYS DOCS Utica area, which was known to & ratified by Defendant(s) Van Winkles, Perdek, LaPorte, D. Traglia, & D. Bektic. As NYS DOCS, the Defendant(s) having no time taken any effective action to prevent Van Winkles, Perdek, & LaPorte from personnel from continuing to engage in such misconduct.

55.)

On information & belief, Defendant(s) NYS DOCS had prior notice of the vicious propensities of Defendant(s) Perdek, Van Winkles, D. Traglia, & D. Bektic, but took not one step to train them, correct their abuse of authority, or to discourage their unlawful use of authority. The failure to properly train Defendant(s) Van Winkles & Perdek included the failure to instruct them in applicable provisions of the Title 9 New York Codes, Rules, & Regulations & with proper & prudent use of force.

56

On information & belief, defendants Mysiuccs & Van Winkler, Perdek, & LaPorte, authorized, tolerated as institutionalized practices, & ratified the misconduct herein before detailed by:

- (a) Failing to properly discipline, restrict, & control employees, including defendants Van Winkler, Perdek, LaPorte, D. Traglia, & D. Bertic, known to be irresponsible in their dealings with citizens of the community;
- (b) Failing to take adequate precautions in the hiring, promotion, & retention of Parole Personnel, including specifically defendants;
- (c) Failing to forward to the office of the Attorney General & OSI evidence of criminal acts committed by Parole Personnel;
- (d) Failing to establish &/or assure the functioning of a bona fide & meaningful departmental system for dealing with complaints of Parole misconduct, but instead responding to such complaints with bureaucratic power & official denials calculated to mislead the public. This conduct also constitutes gross negligence under State law.

57

As a consequence of the abuse of authority detailed above, Plaintiff sustained the damages herein before alleged.

WHEREFORE, Plaintiff, AKO Burrell, demands the following relief jointly & severally, against all the defendant(s):

- A. Compensatory damages in the amount of \$ 150,000,000.00
- B. Punitive damage in the amount of \$ 20,000,000.00
- C. Attorney fees pursuant to 42 U.S.C. 1988
- D. Such other & further relief as this Court may deem appropriate under the circumstances

2024

Pro-se; Plaintiff
AKO Burrell

AKO Burrell #1207
6075 Todd Rd
Oniskay, NY 13424

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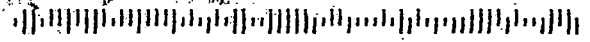
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INMATE MAIL

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